



PATENT APPLICATION

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

William J. BAER et al.

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SEP 28 2001

Application No.: 09/219,934

Group Art Unit: 2155 Technology Center 2100

Confirmation No.: 4144

Examiner: O. Duong

Filed: December 23, 1998

FOR: METHOD AND APPARATUS FOR USING CLASSES, ENCAPSULATING DATA WITH ITS BEHAVIORS, FOR TRANSFERRING BETWEEN DATABASES AND CLIENT APPLICATIONS AND FOR ENABLING APPLICATIONS TO ADAPT TO SPECIFIC CONSTRAINTS OF THE DATA

RESPONSE UNDER 37 C.F.R. §1.116

BOX AF

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

In response to the Office Action dated August 2, 2001, for which the Examiner set a three-month period for response, Applicants submit the following remarks.

Claims 1-23 are all the claims pending in the present application.

As a preliminary matter, the undersigned gratefully acknowledges the courtesies extended by the Examiner in the August 17, 2001 telephone interview on this matter.

Claims 1-7, 9-13, 15-19, 21-23 stand rejected under 35 U.S.C. §102(e) as being anticipated by Mullins (U.S. Patent 5,857,197). Claims 8, 14 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Mullins in view of Ludwig et al. (hereinafter Ludwig) (U.S. Patent 6,006,230). In the telephone interview, the Examiner appeared to agree with

Applicants that Mullins discloses a read-only system, distinguished from the asset management system with read-write capability features disclosed in the present application, but continues to maintain that “transferring data to a data store” as recited in the claims of the present application is sufficiently broad to encompass “querying” and that the read-write capability features therefore are not recited in the claims. Applicants respectfully traverse these rejections, and request reconsideration and allowance of claims 1-23 in view of the following arguments.

Applicants assert that the read-write capability features are inherent in the claims. Each of Applicants’ independent claims 1, 6, 12, and 18 clearly and specifically recites a schema adapter for mapping the assets to the data stored in the data store and for transferring the data to and from the data store in response to methods invoked by the client application. The set of related data may consist of relational data, files, references to files from indexing engines, or any other combination of data types (Specification, pg. 5, lines 9-10). It is clear to one skilled in the art that transferring such data to some location means writing that data to that place and that transferring such data from some location means reading that data from that place.

It appeared to Applicants that the Examiner construes the Mullins “transferring data to the data store” as being “querying” only. Therefore, read in light of specification, “transferring data to the data store” recited in the claims of the present application intrinsically incorporates a write capability feature, distinguished from Mullins “transferring data to the data store” which is only a “querying” capability.

Looking at this point in more detail, in the Office Action the Examiner asserts that Mullins teaches transferring data to and from the data store. The Examiner refers to col. 4 lines 49-65 and col. 5 lines 13-30 of Mullins’ specification. Applicants assert that Mullins’

transferring data is completely different from present application's transferring data to and from the data store.

Although Mullins describes an adapter that transfers "data" to and from the first adapter (Mullins at col. 4, lines 49-56), Mullins does not teach the read-write capability features of the present application. Mullins discloses a system and method for accessing a data store, i.e., just reading data from the data store, but not for writing data to the data store, as claimed in the present application.

In describing this system, Mullins states that the request 100 and the accompanying object 102 are passed from an application program to a first adapter 400. The first adapter 400 then extracts the object attributes 103 and the object name 104 from the object 102, and packs the object attributes 103 and the object name 104 as "data" 105, and communicates the "data" 105 and the request 100 to the second adapter 500 (Mullins at col. 7, lines 39-54). The second adapter 500 then searches a meta data map using the object name 104, and generates a command 303, using the object attributes 103, for accessing the data store 302 according to request 100 (Mullins at col. 7, lines 55-67). The second adapter 500 then executes command 303, obtains and processes the data store content 304, packs the obtained data store content 304 and the execution status as data 115, and communicates the data 115 to the first adapter 400 (Mullins at col. 8, lines 1-26).

Although Mullins names what is communicated from the first adapter to the second adapter as "data", it is virtually a query, as construed by the Examiner, dramatically distinguished from the data transferred to and from data stores by the schema adapter of the present invention which consists of relational data, files, references to files from indexing engines, or any other combination of data types (Specification, pg. 5, lines 9-10). It is

unambiguously clear to one skilled in the art that nothing is written to Mullins' data store 302 through the communication from the first adapter to the second adapter, and then to the data store 302.

Furthermore, Mullins specifically states that the use of its technology provides "read only" data stores over the Internet (Mullins at col. 7, lines 64-66). As such, Mullins simply describes a read only system, but lacks disclosure of read-write capability features of the present invention. Since the only mention of transferring data "to and from" anything is a mere mention at one place in Mullins, and is contradicted by the rest of the Mullins disclosure, Applicants submit that Mullins is not enabling as a reference in this regard.

Applicants therefore assert that Mullins read-only system for accessing data stores does not anticipate or render obvious Applicants' asset management system with read-write capability features, as specifically recited in the independent claims. Accordingly, independent claims 1, 6, 12, and 18, and their respective dependencies, are patentable.

The Examiner further rejects claims 8, 14, and 20 under 35 U.S.C. §103(a) as being unpatentable over Mullins in view of Ludwig.

Applicants have demonstrated in the independent claims argument above that Mullins does not teach or suggest at least one feature that is recited in those claims. Applicants further assert that Ludwig does not supply any of Mullins' deficiencies. Accordingly, claims 8, 14, and 20 are patentable at least by virtue of their dependence on the patentable independent claims. Thus, even if one skilled in the art were to combine the teachings of Mullins, with that taught by Ludwig, the resulting combination would not result in Applicants' claimed invention (claim 8, 14, and 20), and therefore these claims are patentable.

Pursuant to the forgoing arguments, Applicants submit that independent claims 1, 6, 12, and 18, and their respective dependencies, are therefore patentable. Accordingly, reconsideration and allowance of the above claims is respectfully and earnestly requested.

The Examiner's rejections having been overcome, Applicants submit that the subject application is in condition for allowance. The Examiner is respectfully requested to contact the undersigned at the telephone number listed below to discuss other changes deemed necessary. Application hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee for such extension is to be charged to Deposit Account No. 19-4880.

Respectfully submitted,



Frank L. Bernstein
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Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
Washington, D.C. 20231

Date: September 20, 2001

Signed: 
Elaine E. Calimquim